

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 07-13545  
Non-Argument Calendar  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JANUARY 8, 2008 THOMAS K. KAHN CLERK
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D. C. Docket No. 06-00390-CR-4

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WAYNE EDWARD SPRINGFIELD,  
a.k.a. Michael E. Springfield,

Defendant-Appellant.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Georgia  
\_\_\_\_\_

**(January 8, 2008)**

Before BIRCH, DUBINA, and CARNES, Circuit Judges.

PER CURIAM:

Wayne E. Springfield appeals his 188-month sentence for one count of

distribution of 5 grams or more of cocaine base in violation of 21 U.S.C. § 841(a)(1). His sole contention is that he should have received a downward departure from the advisory guideline range for his timely acceptance of responsibility.

The district court, contrary to the recommendation contained of the probation officer, gave Springfield a three-level reduction for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(a) & (b). The court did so even though it found Springfield to have been evasive. That reduction lowered the guidelines range from one of 262 to 327 months to one of 188 months to 235 months. After considering all of the 18 U.S.C. § 3553(a) factors, the court sentenced Springfield to the low end of the guidelines range, 188 months.

The district court did not abuse its discretion in sentencing Springfield. His contention that the court should have granted the government's motion for a U.S.S.G. § 5K1.1 downward departure is not cognizable on appeal. See United States v. Castellanos, 904 F.2d 1490, 1497 (11th Cir. 1990).

**AFFIRMED.**